

Appl. No.: 10/803,261  
Amdt. dated 08/29/2005  
Reply to Office action of July 6, 2005

### **REMARKS/ARGUMENTS**

In view of the following remarks, re-examination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. As detailed in the Office Action mailed July 6, 2005, Claims 1-20 are pending, wherein Claims 1-20 have been rejected. In response to the Office Action, the Applicant traverses the rejections of Claims 1-20 as discussed below in further detail. Accordingly, it is believed that the claims define patentable subject matter over the prior art cited in the Office Action and notice to such effect is requested at the Examiner's earliest convenience.

#### **Claim Rejections – 35 U.S.C. §103**

Claims 1-20 were rejected in the Office Action as being obvious over U.S. Patent No. 6,183,601 to Otto *et al.* in view of U.S. Patent No. 5,738,760 to Svanqvist *et al.* or in view of U.S. Patent No. 6,325,896 to Hultcrantz *et al.* The Applicants traverse these rejections. However, Claims 11 and 18 have been amended to correct minor typographical errors.

Claim 1 is directed to a dry end section for a paper-making machine for producing a high-bulk tissue. Such a machine comprises a through-air dryer adapted to finally dry a paper web; a through-air drying fabric configured to transport the web through the through-air dryer; a separating device for separating the web from the through-air drying fabric, and receiving the web directly thereon; a reel having a reel drum disposed adjacent thereto so as to form a reel-up for receiving the web from the separating device; and a non-contacting support system disposed between the separating device and the reel-up. The non-contacting support system is configured to receive the web directly from the separating device and to transport the web directly to the reel-up.

Claims 11 and 18 are directed to a method for making a tissue with enhanced tactile quality and facilitating reel-up of the tissue in a dry end of a tissue paper-making machine. Such a method comprises finally drying a tissue web on a through-air drying fabric with a through air dryer; separating the tissue web from the through-air drying fabric with a separating device such that the tissue web is received directly on the separating device; transporting the

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tissue web from the separating device directly to a reel nip with a non-contacting support system, the reel nip being formed between a reel and a reel drum disposed adjacent thereto; and directing the tissue web through the reel nip so as to wind the tissue web onto the reel.

The Otto '601 patent discloses a method of calendering a sheet material web carried by a fabric. The web 20 is transferred to a through-drying fabric 32, which carries the web 20 over a throughdryer 36. Following the throughdryer 36, the dried web 2 is transferred to a first carrier fabric 40 in a transfer section 50, with the aid of a vacuum transfer roll 42. The web 2 is then sandwiched between the first carrier fabric 40 and a second carrier fabric 60 and directed through a calender nip 90 formed by first and second calender rolls 92, 94, wherein the second carrier fabric 60 carries the web 2 to the winding nip formed between the reel drum 80 and the reel 82, where it is wound into a roll 84.

The Svanqvist '760 patent discloses a method of and device for transferring a running dried web from one device to a subsequent device. In this regard, a web support device 10 extends across the width of the web 4 and along a predetermined run thereof. The web support device 10 has a support surface 11 formed by a series of plate member assemblies 23 configured to provide a flow of air in the direction of the web run. The flow forms an air layer 15 of reduced static pressure between the web 4 and the support surface 11 to stabilize the web against flutter.

The Hultcrantz '896 patent discloses an apparatus for transferring a fast running fibrous web from a first location to a second location, comprising an air foil defining a web support surface that extends substantially continuously between the locations, and includes at least two air supply channels extending substantially perpendicular to the direction of web travel across the air foil for providing flows of pressurized air between the foil and the web, in the direction of travel of the web. A layer of reduced static pressure is thus provided which stabilizes the web against undesirable motion while minimizing dust build-up.

In this regard, the Office Action alleges that it would have been obvious to use the non-contacting web transfer system as disclosed by either of the Svanqvist '760 and Hultcrantz '896 patents as an alternative to the web transfer system utilized by the throughdrying system disclosed in the Otto '601 patent, because the Svanqvist '760 and Hultcrantz '896 web transfer

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systems and the Otto '601 web transfer system are "equivalents . . . interchangeable for their desired function." The Applicants traverse this allegation.

More particularly, the Applicants have reviewed the rejections and submit that Claims 1-20 are patentable over the cited references. Namely, it is the Applicants' opinion that the Otto '601, Svanqvist '760, and Hultcrantz '896 patents, either separately or in combination, **do not** teach or suggest a dry end section for a paper-making machine having a through-air dryer, a through-air drying fabric for transporting the web; **a separating device for separating the web from the through-air drying fabric, and receiving the web directly thereon**; a reel having a reel drum disposed adjacent thereto so as to form a reel-up for receiving the web from the separating device; and **a non-contacting support system disposed between the separating device and the reel-up for receiving the web directly from the separating device and transporting the web directly to the reel-up**, or an associated method for making a tissue with enhanced tactile quality and facilitating reel-up of the tissue in a dry end of a tissue paper-making machine.

The Applicants first note that the Federal Circuit has consistently stated that a finding of obviousness requires **a specific teaching, motivation, or suggestion to combine the teachings of individual items of prior art**. See, e.g., *In Re Sang Su Lee*, No. 00-1158 (Fed. Cir. January 18, 2002) (**factual question of motivation to combine is material to patentability and could not be resolved on subjective belief and unknown authority**); *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998) (**a showing of a suggestion, teaching, or motivation to combine is an essential evidentiary component** of an obviousness holding); *In re Frisch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992) (Examiner can satisfy burden of obviousness in light of combination only by showing some **objective teaching** leading to the combination); and *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (**evidence of teaching or suggestion essential to avoid hindsight**).

In this regard, the Applicants also note that MPEP §2141 explicitly states that, when "applying 35 U.S.C. 103, **the following tenets of patent law must be adhered to**:  
(A) **The claimed invention must be considered as a whole**;

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(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

(D) Reasonable expectation of success is the standard with which obviousness is determined"

Furthermore, in determining the differences between the prior art and the claims, "the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP §2141.02, "Basic Considerations Which Apply to Obviousness Rejections," citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenk v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). (Emphasis added). The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. MPEP §2143 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Also, "[t]he requirement at the time the invention was made is to avoid impermissible hindsight." MPEP §2141.01(III). In addition, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

In light of those directives provided in the MPEP, the Applicants traverse the allegation in the Office Action that the Svanqvist '760 and Hultcrantz '896 web transfer systems and the Otto '601 web transfer system are "equivalents . . . interchangeable for their desired function," since this does not consider each independent claim as a whole (i.e., the totality of the combination of elements, as recited). Furthermore, such rejections are contrary to the requirement that the teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, and not in applicant's disclosure.

The Otto '601 patent discloses an arrangement whereby the web is transferred from the throughdryer to the winding nip by the first and/or second transfer fabric. Further, the Otto '601 patent repeatedly states that the invention is directed to an apparatus for calendering a web

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while the web is being carried on or between one or more carrier fabrics such that at least one fabric accompanies the web passing between a nip formed by adjacent calender rolls (Col. 1, line 64 through Col. 2, line 63). In contrast, the web transfer devices disclosed by the Svanqvist '760 (see, e.g., FIG. 5) and Hultcrantz '896 (see, e.g., FIG. 1) patents are disclosed as being disposed on either side of a calender such that the web is calendered in the nip without an accompanying transfer fabric. Thus, the Otto '601 patent requires the web to be supported by at least one transfer fabric through the calender, and does not allow the alternate implementation the web transfer devices of the Svanqvist '760 and Hultcrantz '896 patents, which calender the web without the use of a transfer fabric. Therefore, the Svanqvist '760 and Hultcrantz '896 patents teach away from a combination with the Otto '601 patent, since the Otto '601 patent requires the web to be supported by at least one transfer fabric through the calender. Further, the Otto '601 patent, through this requirement, also teaches away from implementing a non-contacting transfer device as disclosed by the Svanqvist '760 and Hultcrantz '896 patents. As such, the Svanqvist '760 and Hultcrantz '896 web transfer systems and the Otto '601 web transfer system are not "equivalents . . . interchangeable for their desired function," as alleged in the Office Action.

With respect to differences between calendering the web with at least one transfer fabric, as opposed to calendering the web without any transfer fabric, the Applicants note that the Svanqvist '760 and Hultcrantz '896 patents are directed to manufacturing of a creped tissue web which, due to its structure as a result of the creping process, requires direct calendering (without any supporting fabric) such that the microfolds created by the creping process are compressed for achieving more dense roll formation. In contrast, a tissue web formed by a through-air drying process does not include microfolds in the web structure. As such, the bulk of a TAD web is achieved by forming/drying the web on the structured TAD fabric, in the manner of the Otto '601 patent which describes calendering the web while the web is supported by at least one fabric.

The Otto '601 patent notes that the disclosed throughdrying configuration can be alternatively configured such that the web can be transferred directly from the throughdrying fabric to the reel drum using vacuum suction from within the reel drum or pressurized air, wherein the web is then wound into a roll on a reel. In another configuration disclosed by the

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Otto '601 patent, a vacuum drum can be used to transfer the web from the throughdrying fabric and then to pass the web onto a reel drum for winding the web into a roll on the wind-up reel. However, with these alternative arrangements, the web transfer devices as disclosed by the Svanqvist '760 and Hultcrantz '896 patents would not be necessary, since the web is transferred from the throughdrying fabric right to the reel drum, or to a vacuum drum, and then directly to the reel drum, to be wound into a roll.

Thus, in view of these differences between embodiments of the present invention, as now particularly claimed in Claims 1, 11, and 18, and the Otto '601, Svanqvist '760, and Hultcrantz '896 patents, either separately or in combination, the Applicants submit that Claims 1-20 are patentable over the Otto '601, Svanqvist '760, and Hultcrantz '896 patents cited in the Office Action.

#### Conclusion

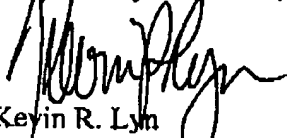
In summary, the Otto '601, Svanqvist '760, and Hultcrantz '896 patents, either separately or in combination, do not teach, suggest, or provide motivation for embodiments of the present invention, as now claimed in Claims 1, 11, and 18, because the Otto '601 patent, and the Svanqvist '760 and Hultcrantz '896 patents, do not teach the combination as alleged in the Office Action. Accordingly, in view of these differences between the Applicant's invention and the Otto '601, Svanqvist '760, and Hultcrantz '896 patents, it is submitted that the present invention, as defined by the pending claims, is patentable over the prior art cited in the Office Action. As such, Claims 1-20 are believed to be in condition for immediate allowance.

In conclusion, for the reasons set forth above, the Applicant submits that all claims now pending are in condition for immediate allowance. Accordingly, notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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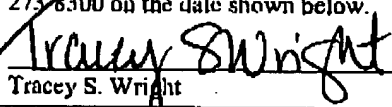
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8/29/2005  
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